

1103326-0250 (CON)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Depui, et al.
Serial No. : 10/620,000
Filed : July 14, 2003
For : ORAL PHARMACEUTICAL DOSAGE
FORMS COMPRISING A PROTON
PUMP INHIBITOR AND A NSAID
Examiner : Spear, J.
Group Art Unit : 1615

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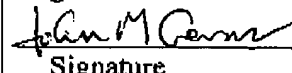
I hereby certify that this paper is being facsimile-
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John M. Genova

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Agent Name

PTO Reg. No.



20 January 2005

Signature

Date of Signature

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Examiner James Spear
DATE: 20 January 2005
NUMBER OF PAGES: 2
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LETTER

Sir:

Applicants submit this communication in response to the Office Action, mailed 4 November 2004. No extension of time is necessary since this communication is being timely filed within the shortened statutory period for reply. Submitted herewith is a true copy of the originally executed Terminal Disclaimer pursuant to 37 C.F.R. §1.321(c) to obviate the obviousness-type double patenting rejection of record.

Remarks begin on page 2 of this paper.

REMARKS

Claims 1, 4-14, 22-28, 32-34 and 37-45 are pending. The only rejection is an obviousness-type double patenting rejection. Specifically, all of the pending claims are rejected for obviousness-type double patenting in view of US 6,613,354 (the "354 patent"). The '354 patent is the parent of the subject application.

AstraZeneca, a corporation created and existing under the laws of Sweden, is the owner of the entire right, title and interest of the referenced patent application and the '354 patent by Assignment recorded on February 13, 1997, at Reel 9029/Reel 0319. The originally recorded assignment is in the name of Astra Aktiebolag. A change of corporate name from Astra Aktiebolag to AstraZeneca was recorded on January 18, 2002 at Reel 012494, Frame 0470.

Pursuant to 37 C.F.R. §3.73, a Terminal Disclaimer is separately but concurrently submitted herewith on behalf of the assignee to obviate the obviousness-type double patenting rejection in connection with the '354 patent. Withdrawal of the rejection is requested.


CONCLUSION

Applicants have made a good faith attempt to respond to the Office Action. The pending claims are deemed to be in condition for allowance which action is earnestly solicited.

Any fee due in connection with this communication should be charged to Deposit Account No. 23-1703.

Dated: January 20, 2005

Respectfully submitted,


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